

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-15, 17-18, 20-21, 23, 28, 32, 34-36, 39-40, 51-53, 63, 65, 70-73, 76-78, 92, 106, 144 and 146 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 51-53, 63, 65, 70-73, 76-78, 92, 106, 144 and 146 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo (U.S. Patent No. 5,619,247) in view of Hoshen et. al. (U.S. Patent Application Publication No. 2002/0154892, hereafter “Hoshen”). Claims 1-15, 17, 18, 20, 21, 23, 28, 32, 34-36, 39, 40 are allowed. Applicant respectfully traverses the prior art rejections.

In the previous Amendment filed on March 10, 2009, Applicant submitted that there is no teaching or suggestion in the cited references of “a transmitter operable to transmit, in response to a first user input identifying content to be recorded, a request to a remote capture system to capture the content identified by said first user input”, “whereby the user device initiates server side capture of the content, provides client side storage of the captured content, and initiates playout of the captured content under server side control”, as recited in claim 1 and analogously recited in claims 70 and 106.

In response, the Examiner asserts:

Hoshen discloses (¶0067, ¶0070, ¶0071) that when the request to record a program is initiated and transmitted from a STB 10 to a Management system 57 at the Central Unit, a management system selects Storage STB 20 to record the requested program. Examiner’s “remote capturing system” in the office action includes Central unit (55) and SSTB (20).

Applicant respectfully disagrees with the Examiner's position. Hoshen discloses a management system 57 which receives a request from a subscriber for viewing a program and then instructs a storage set top box (SSTB) 20 at the client site to record the requested program (see paragraph [0070]). Therefore, the data is captured (or recorded) at the user side by the SSTB, and not at the server-side 57, as claimed. Accordingly, Hoshen does not teach or suggest the server-side capture of content as claimed.

Nevertheless, in order to expedite prosecution, Applicant has amended independent claims 51, 70 and 106 in order to include the element "said capture system is operable to download data defining a graphical user interface based on the record of the content stored in the storage device of the user device; and said graphical user interface identifies content that has been captured by said capture system in response to a request received by said user device and content that has been captured automatically by said capture system based on a user profile for the user associated with the user device". Applicant respectfully submits that this element of the claims is neither taught nor suggested by the cited references.

Accordingly, Applicant respectfully submits that independent claims 51, 70 and 106 should be allowable because the cited references, alone or in combination, do not teach or suggest all of the features of the claims. Claims 52, 53, 63, 65, 145, 71-73, 76-78, 144, and 146 should also be allowable at least by virtue of their dependency on independent claims 51 and 70.

### ***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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